

BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA

California Building Industry Association and
Utility Services & Electric, Inc.,

Complainants,

vs.

Pacific Gas and Electric Company (U 39 M),

Defendant.

Case 03-01-015
(Filed January 17, 2003)

**ADMINISTRATIVE LAW JUDGE'S RULING
SETTING PREHEARING CONFERENCE**

A prehearing conference in this proceeding will be held at 10 a.m., Tuesday, March 18, 2003, in the California Public Utilities Commission Courtroom, State Office Building, 505 Van Ness Avenue, San Francisco, California 94102. The prehearing conference in this matter is being set before an answer or other responsive pleading has been filed in order to provide advance notice to the parties and to assist in completing these proceedings within the one-year requirement of California Public Utilities Code Section 1701.2(d).

1. Parties to Proceeding

The original complainants were the California Building Industry Association (CBIA) and Utility Services & Electric, Inc. The defendant is the Pacific Gas and Electric Company (Defendant). Since the filing of the complaint, CBIA has indicated it has withdrawn, and a formal order of dismissal will be

entered as to CBIA. The proceeding continues on the complaint of Utilities Services and Electric, Inc. (Complainant). Complainant and Defendant are the parties to this proceeding, and they shall comply with the requirements of this ruling. As Complainant is represented by counsel, this proceeding does not qualify as an “expedited complaint procedure” under Rule 13.2(b) of the Commission’s Rules of Practice and Procedure (April 2000) (Rules).

2. Issues to be Addressed

Complainant alleges that Defendant has engaged in anti-competitive conduct and unfair business practices in connection with Defendant’s line extension services that are allegedly offered in competition with Complainant’s developers and non-utility contractors. Complainant’s specific allegations are set forth in its complaint, filed January 17, 2003, that has been served on Defendant. Defendant’s answer has not been filed and is not yet due.

The prehearing conference will address the issues to be litigated in this proceeding, the need for any discovery, the schedule for subsequent proceedings, the possibility of a mediated solution to the complaint, and any other matters the parties believe should be discussed.

3. Prehearing Conference Statements

On or before March 12, 2003, the parties may file and serve prehearing conference statements. (Rule 6.2.) The prehearing conference statements may address the issues, need for a hearing, schedule, and any matter related to the applicability of Rule 2.5 to this proceeding. The parties should also identify and discuss anything else necessary for an expeditious and efficient completion of this proceeding. In addition to normal service of these statements, the parties shall e-mail their prehearing conference statements to the Administrative Law Judge at jet@cpuc.ca.gov.

4. Service of Pleadings

Parties should also come to the prehearing conference prepared to discuss the desirability of adopting a rule that service of pleadings in this will be by electronic mail, without concurrent service of a paper copy. (Rule 2.3(b).) If adopted, however, this rule would not vacate the Commission's rules regarding filing of paper copies, Rule 2.5, or the need to serve paper copies on any party without an electronic mail address.

5. Transcripts

Parties who desire an expedited or daily transcript should advise the Chief Hearing Reporter by telephone at (415) 703-2288 no later than three days prior to the prehearing conference. Questions regarding the date, time or place for the prehearing conference should be directed to the Calendar Clerk at (415) 703-1203.

Dated February 18, 2003, at San Francisco, California.

/s/ JOHN E. THORSON

John E. Thorson

Administrative Law Judge

CERTIFICATE OF SERVICE

I certify that I have by mail, and by electronic mail, to the parties to which an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Setting Prehearing Conference on all parties of record in this proceeding or their attorneys of record.

Dated February 18, 2003, at San Francisco, California.

/s/ KE HUANG

Ke Huang

N O T I C E

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to ensure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.

The Commission's policy is to schedule hearings (meetings, workshops, etc.) in locations that are accessible to people with disabilities. To verify that a particular location is accessible, call: Calendar Clerk (415) 703-1203.

If specialized accommodations for the disabled are needed, e.g., sign language interpreters, those making the arrangements must call the Public Advisor at (415) 703-2074, TTY 1-866-836-7825 or (415) 703-5282 at least three working days in advance of the event.